

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kathy Reaves, *a/k/a Kathy Juanita Reaves*

Case No. 4:22-cv-0639-TLW

PLAINTIFF

v.

Cpl. Charles M. Dickens, *individually*,
South Carolina Highway Patrol, South
Carolina Law Enforcement Division,
South Carolina Department of Motor
Vehicles, South Carolina Department of
Public Safety, Marlboro County
Detention Center, and the County of
Marlboro,

DEFENDANTS

ORDER

Plaintiff Kathy Reaves, proceeding *pro se* and *in forma pauperis*, filed this civil action on February 4, 2022, against Cpl. Charles M. Dickens, *individually*, South Carolina Highway Patrol, South Carolina Law Enforcement Division, South Carolina Department of Motor Vehicles, South Carolina Department of Public Safety, Marlboro County Detention Center, and the County of Marlboro (collectively, “Defendants”).¹ ECF No. 1–1. In her complaint, seeks relief for (1) violations of the South Carolina Tort Claims Act, S.C. Code § 15–78–10, (2) violation of her rights secured by 42 U.S.C. §§ 1983 & 1988, and (3) her Fourth and Fourteenth Amendment rights. *Id.* Plaintiff initially filed this action in state court; however, it was removed

¹ This is one of thirteen lawsuits filed by Plaintiff against the same, or most of the same, defendants in each case. The claims in each case arise out of the same set of alleged facts, and ten of these cases have previously been dismissed by this Court.

by defendants to this court pursuant to 28 U.S.C. §§ 1331, 1367, & 1441 on the basis of both federal question and supplemental jurisdiction. *Id.*

On August 29, 2022, Plaintiff filed the instant motion to remand, ECF No. 134, to which Defendants have responded in opposition, ECF Nos. 135, 136, & 137. These motions were referred to the Honorable Thomas E. Rogers, III, United States Magistrate Judge, for review pursuant to 28 U.S.C. § 36b(b)(1)(B). The magistrate judge filed a Report and Recommendation (“Report”), ECF No. 142, recommending that this Court deny Plaintiff’s motion to remand.

The matter now comes before the Court for review of the Report filed by the magistrate judge. In the Report, the magistrate judge recommends that Plaintiff’s motion be denied because “the complaint filed by Plaintiff in 2022-cp-34-00034 [in state court] and removed to this court under the present case number, 4:22-cv-00639-TLW-TER, clearly alleges violations of h[er] federal constitutional rights pursuant to 42 U.S.C. § 1983.” *Id.* at 3. Hence, it was properly removed under this Court’s federal question jurisdiction. *Id.* Plaintiff has not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the magistrate judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make

a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed the Report, Plaintiff's motion to remand, Defendants' responses in opposition, and other relevant filings. For the reasons stated by the magistrate judge, the Report, ECF No. 142, is **ACCEPTED**, and Plaintiff's motion to remand, ECF No. 134, is **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Senior United States District Judge

February 17, 2023
Columbia, South Carolina